

Notice of Allowability

Application No.

09/616,883

Examiner

Thierry L. Pham

Applicant(s)

KATO, TAKESHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 1, 5-14, 18-25, 27-31, 33-36, 38-42, 44-47, 49-50, 52-53, 55 are allowed; renumbered as claims 1-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


GABRIEL GARCIA
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Deborah Gladstein on 3/30/06.

The application has been amended as follows:

Preamble of claims 36, 42, and 53:

36. (Currently Amended) A computer readable medium storing a computer program product for managing a print system comprising a data processor connected to a network and a printer for executing a print job sent from the data processor via the network, the data processor having a first software program which is installed therein, and the printer having a second software program which is installed therein, the computer program product comprising:

42. (Currently Amended) A computer readable medium storing a computer program product for managing a print system comprising a data processor and a printer for executing a print job sent from the data processor, the data processor having a first software program installed therein, and the printer having a second software program installed therein, the computer program product comprising:

53. (Currently Amended) A computer readable medium storing a computer program product for managing a print system comprising a data processor connected to a network and a printer for executing a print job sent from the data processor via the network, the data processor having a first software program installed therein, and the printer having a second software program installed therein, the computer program product comprising:

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 2/27/06.

Response to Arguments

Applicant's arguments, see page 15, filed 2/27/06, with respect to claim 49 have been fully considered and are persuasive. The objection of claim 49 has been withdrawn.

Applicant's arguments, see pages 15-16, filed 2/27/06, with respect to 1 have been fully considered and are persuasive. The prior art rejection under 103(a) of claim 1 has been withdrawn.

Allowable Subject Matter

Claims 1, 5-14, 18-25, 27-31, 33-36, 38-42, 44-47, 49-50, 52-53, 55 are allowed; renumbered as claims 1-42.

The following is an examiner's statement of reasons for allowance: The cited prior arts (US 6113208 and US 6363402) of record teach an apparatus and a method for updating software program (i.e. printer driver), but the cited prior arts of record fail to teach and/or suggest "when the determining controller determines that there is no adaptability between and the new version of the first software program and the old version of the second software program, the updating controller updates the second software program and then updates the first software program, and when the determining controller determines that there is no adaptability between the new version of the second software program and the old version of the first software program, the updating controller updates the first software program and then updates the second software program *and in combinations of other features*" as cited in independent claims 1, 14, 25, 31, 36, 42, 47, 50, and 53 (renumbered as claims 1, 11, 19, 24, 28, 33, 37, 39, and 41 respectively). In other words, both US 6113208 and US 6363402 teach a method for updating only a single software program (i.e. first software program *or* second software program) rather than updating

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both programs (i.e. first software program *and* second software program) as cited in independent claims stated above. The examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of prior arts that teaches the above limitations and in combinations of other features cited in independent claims 1, 14, 25, 31, 36, 42, 47, 50, and 53 (renumbered as claims 1, 11, 19, 24, 28, 33, 37, 39, and 41 respectively).

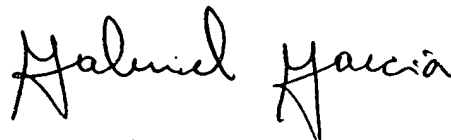
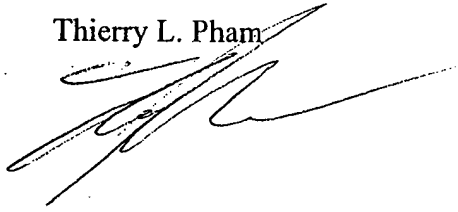
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER